UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36 and 61-66* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36 and 61-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed on April 11,

2007.

2.   Claims 1-36 and 61-66 are presented. No claims are added and claims 37-60

and 67 remain cancelled.

3.   Claims 1-36 and 61-66 are pending.

4.   Applicant's arguments filed April 11, 2007, have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1,19-20,23,61, and 66 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Schmidt (US Patent No. 6,535,894) filed June 1, 2000, in view of

Dockes (US Patent No. 5,974,004) filed December 21, 1998.

Regarding Claims 1,23,61, and 66, Schmidt discloses a method of

creating an archived file in a manner that allows an application to distinguish

between one or more data files and one or more print files in said archived file,

wherein said print files contain data used by said application to print visual

labeling associated with data of one or more of said data files and said data files

provide data to be transferred by said application to a recording medium

associated with said visual labeling, said method comprising

generating a manifest file (column 8, lines 63-67, Schmidt); and

including said manifest file in said archived file (column 8, lines 54-61,

Schmidt). However, Schmidt is silent with respect to said manifest file

distinguishing between one or more data files and one or more print files in said

archived file. On the other hand, Dockes discloses said manifest file

distinguishing between one or more data files and one or more print files in said

archived file (columns 7-8, lines 35-67 and 1-7, respectively, Dockes)[1]. Schmidt

and Dockes are analogous art because they are from the same field of endeavor

of updating archive files. It would have been obvious to one of ordinary skill in the

art at the time of the invention to incorporate Dockes teachings into the Schmidt

system. A skilled artisan would have been motivated to combine as suggested by

Dockes at column 2, lines 29-42, in order to compress data to reduce the storage

requirements, thereby improving production of discs and providing a system for

customizing discs on demand. As a result, the step of distinguishing between

data files and print files allow for a system to increase productivity and accuracy.

Therefore, the combination of Schmidt in view of Dockes, disclose indicating to

said application a file location within said archived file associated with said one or

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[1] Examiner Notes: Column 7, lines 35-50 discuss a reading client, which extracts "audio data" and loads into onto a compact disc. Examiner interprets the data extracted from the reading client to correspond to the data files. Columns 7-8, lines 52-67 and 1-7 discuss a printing client with multiple printers to

more data files (columns 10-11, lines 64-67 and 1-7, respectively, Dockes) and a

file location associated with said one or more print files (column 11, line 64,

Dockes), using an enforced directory structure (columns 9-10, lines 56-67 and 1-

7, respectively, Dockes); and automatically distinguish between the files (column

10, lines 33-50, Dockes).

Regarding Claim 19, the combination of Schmidt in view of Dockes,

disclose method further comprising including said manifest file in a root directory

of said archived file (Fig.5; column 8, lines 54-67, Schmidt).

Regarding Claim 20, the combination of Schmidt in view of Dockes,

disclose a method further comprising:

including said manifest file in any directory of said archived file (Fig.5;

column 8, lines 54-67, Schmidt); and

including a boot file in a root directory of said archived file, said boot file

indicating a path of said manifest file in said archived file (Fig.6; column 9, lines

11-42, Schmidt);

wherein said application is configured to recognize and read said boot file

(column 9, lines 43-52, Schmidt).

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distinguish elements needing to be printed. Examiner interprets the data selected to be printed as print
files.

7.   Claims 2-18,21-22,24,35, and 62-65 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Schmidt (US Patent No. 6,535,894) filed June 1, 2000, in

view of Dockes (US Patent No. 5,974,004) filed December 21, 1998, and further in

view of Van Valer (US Patent No. 20020145614) filed April 6, 2001.

Regarding Claims 2,24, and 62, the combination of Schmidt in view of

Dockes, disclose a method further comprising:

extracting files from said archived file with said application (column 7, lines

35-37, Dockes), said files including said one or more data files, said one or more

print files (columns 7-8, lines 35-67 and 1-7, respectively, Dockes), and said

manifest file (column 8, lines 63-67, Schmidt). However, the combination of

Schmidt in view of Dockes, are silent with respect to burning said one or more

data files onto an optical disc and printing content corresponding to said one or

more print files. On the other hand, Van Valer discloses burning said one or more

data files onto an optical disc ([0073], lines 4-8, Van Valer) and printing content

corresponding to said one or more print files ([0077], lines 1-12, Van Valer).

Schmidt, Dockes, and Van Valer are analogous art because they are from the

same field of endeavor of archiving with digital image processing. It would have

been obvious to one of ordinary skill in the art at the time of the invention to

incorporate Van Valer's teachings into the Schmidt in view of Dockes system. A

skilled artisan would have been motivated to combine as suggested by Van Valer

at [0010], in order to easily catalog and identify what images/data a particular

disc holds.

Regarding Claims 3,25, and 63, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method further comprising

downloading said archived file to a system containing said application (columns

7-8, lines 64-67 and 1-7, respectively, Schmidt).

Regarding Claims 4 and 26, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method wherein said

archived file is downloaded from an Intranet or a website on an Internet (column

3, lines 14-16, Schmidt).

Regarding Claims 5 and 27, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method wherein said

archived file is downloaded from a wide area network or a local access network

(column 6, lines 38-42, Schmidt).

Regarding Claims 6 and 28, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method wherein said

archived file is downloaded from a floppy disk, an optical disc, or a hard drive

(column 6, lines 28-33, Schmidt).

Regarding Claims 7,21,29, and 35, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more print files comprise a label file ([0062], lines 9-15, Van Valer).

Regarding Claims 8 and 30, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise a disk image file ([0068], Van Valer).

Regarding Claims 9 and 31, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said disk image file is in International Organization for Standardization (ISO) 9660 file format (column 9, lines 39-47, Dockes).

Regarding Claims 10 and 32, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise audio files ([0026], Van Valer).

Regarding Claims 11 and 33, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise video files ([0026], Van Valer).

Regarding Claims 12 and 34, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method wherein said one or

more print files comprise graphics files ([0026], Van Valer).

Regarding Claims 13 and 64, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method further comprising

generating said manifest file in Extensible Markup Language (XML) ([0040], Van

Valer).

Regarding Claims 14,15, and 65, the combination of Schmidt in view of

Dockes, and further in view of Van Valer, disclose a method further comprising:

compressing said archived file before said downloading of said archived

file (column 2, lines 46-52, Schmidt); and

decompressing said archived file before said extracting of said files

(column 2, lines 52-60, Schmidt).

Regarding Claim 16, the combination of Schmidt in view of Dockes, and

further in view of Van Valer, disclose a method wherein said generation of said

manifest file comprises:

combining descriptor terms with file-specific information (column 5, lines 6-

13, Schmidt)[2];

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[2] Examiner Notes: "File contents" corresponds to descriptor terms.

wherein, when said application reads said manifest file (column 9, lines 43-52, Schmidt), said descriptor terms indicate to said application which of said files are said one or more data files and which of said files are said one or more print files (columns 7-8, lines 35-67 and 1-7, respectively, Dockes).

Regarding Claim 17, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said descriptor terms comprise:

a term for identifying a file location of said one or more data files (columns 10-11, lines 64-67 and 1-7, respectively, Dockes); and

a term for identifying a file location of said one or more print files (column 11, line 64, Dockes).

Regarding Claim 18, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said file-specific information comprises a file path and name (column 5, lines 6-13, Schmidt).

Regarding Claims 22 and 36, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said optical disc comprises a compact disk ([0026], Van Valer), a digital versatile disk, or a video game disk.

Response to Arguments

Applicant argues, the combination of Schmidt and Dockes cannot teach the claimed "manifest file that distinguishes between one or more data files and one or more print files in said archived file and indicates to said application a file location within said archived file associated with said one or more data files and a file location associated with said one or more print files".

Examiner respectfully disagrees. As stated in the action above, Dockes discloses at columns 7-8, lines 35-67 and 1-7, respectively, wherein "*The reading client extracts audio data from source audio CDs, does the compression, and sends the data to the data server. It also runs a part of the data indexing interface...The system's SCSI drivers can also be extended to fully manage the CD drives and the disc transporter (the same SCSI driver is used for the writing process). Because of the use of a compression board, the reading client needs less CPU power than the writing one, but will otherwise use approximately the same configuration...Every operator performing the packaging tasks has a PC machine, or printing client, running UNIXWARE. Every printing client is in turn connected to a CDROM drive to identify the discs, and to several printers. A thermal transfer printer is preferably used to print the disc surface...An advantage important such thermal transfer printers enjoy over inkjet printers used in prior art approaches to labeling CDs is that they do not require specially coated CD-R discs to accept the ink from the printing process...A laser printer (e.g., an HP LaserJet 5MP) may be used to print the invoice and jewel box' back insert, and a suitable label printer, such as the SEIKO smart label printer PRO, may be used for printing the address label.*

The printing client runs a graphical interface for operator interaction, and retrieves the

necessary data from the data server". The audio data being extracted from the source

audio CDs corresponds to the distinguishing of the data files and the labels being

printed corresponds to the distinguishing of the print files. Dockes further discloses at

columns 10-11, lines 64-67, lines 1-7, and line 64, respectively, wherein *"The volume*

and path database (otherwise known as the path database) keeps track of where the

audio files are. Each audio track has a unique number, called the trackid. The trackid is

currently made from the track's source disc's discid and the track's number (from 0 to

99). The trackid is currently stored as a 32-bit integer, with 24 bits for the discid and 8

bits for the track number. As the discid is only used at disc identification time, it would

be quite possible to make up trackids for sound tracks that would not come from

compact discs. The path database links the trackids to file paths...labelid – album's

label identification". The labelid represents the file location for the print files and the path

database, which keeps track of the audio files by providing them with a unique number

called trackid represents the file location for the data files.

Applicant argues, since Schmidt fails to teach the claimed manifest file that

distinguishes between print and data files, that Schmidt cannot teach that such a file is

located in a root directory.

Examiner respectfully disagrees. To begin, the combination of Schmidt in view of

Dockes, are believed to disclose the argued limitation of the manifest file distinguishing

between the print files and the data files as stated within the above response. As such,

Schmidt shows within Fig.5, item 410, a root directory file of "META-INF/" and within the

root directory, as can be seen at item 411 is a subdirectory with a "MANIFEST.MF" file,

which is located within the root directory. Also, column 8, lines 54-67 states, "*As is*

known to those of ordinary skill in the art, a JAR archive file typically contains a manifest

file named META-NF/MANIFEST.MF within the archive file. This file contains

information about the other files within the JAR file. Applications that work with JAR files

need to access the information contained in the manifest file. Referring to FIG. 5, there

is shown a block diagram illustrating the structure of a typical JAR file 410. JAR file 410

has a subdirectory 411 of meta-information that is always named META-INF. The

subdirectory 411 contains a single Manifest file 412 that is always named

MANIFEST.MF". As such, the argued limitation stated above has been fully disclosed.

Applicant argues, since the cited prior art fails to teach the claimed manifest file,

then the cited prior art cannot teach the claimed boot file that indicates a path to the

manifest file in the archived file.

Examiner respectfully disagrees. Again as stated above, the combination of

Schmidt in view of Dockes, are believed to teach the argued limitation of the manifest

file as stated within the above response. As such, Schmidt disclose at column 9, lines

11-42, wherein "*Referring to FIG. 6, there is shown a JAR file 410 with a standard*

subdirectory 411 of meta-information named META-INF, with a manifest file 412 named

MANIFEST.MF. The manifest file 412 lists all the files 415 (see FIG. 5) in the archive,

together with values labeled "MD5-Hash" and "SHA-Hash." As is known to those of

ordinary skill in the art, MD5 and SHA are message digests, also known as one-way

hash functions". Within Fig.6 the "META-INF/Manifest.MF" is the root directory of the

archive file, which indicates a path of said manifest file as can be seen within item 412.

Also, as stated within column 5, lines 9-12, wherein "*A "file name" is the set of letters,*

numbers, and symbols assigned to a file to distinguish it from all other files in a file

system. In the context of the present invention, a file name includes the file path and the

file extension, if any"; this excerpt discloses the file name contains the path information

of the particular file, which therefore represents the boot file.

Applicant argues, since Van Valer teaches subject matter without any reference

to the claimed archived file, then Van Valer cannot teach burning data files to an optical

disc and printing content corresponding to those files.

Examiner respectfully disagrees. In response to applicant's arguments against

the references individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091,

231 USPQ 375 (Fed. Cir. 1986). In particular, applicant argues the subject matter of

Van Valer does not reference the claimed archived file, however, the combination of

Schmidt in view of Dockes were relied upon to disclose the specific limitations with

reference to the limitations of the archived file. Van Valer was relied upon to disclose

the claim limitations of burning data files onto an optical disc and printing content

corresponding to said print files. Therefore, applicant's argument that since Van Valer

does not teach the claimed archived file, then Van Valer cannot teach burning nor

printing is invalid. As such, Van Valer discloses at paragraph [0073], lines 4-8, wherein

"*The user-definition-to-XML module, which runs in the Web site's server system, is the*

interface for the user to select the digital photos to be stored ("burned") into a target CD,

and to design the TOC label that will be printed onto that CD". It is clear that the digital

photos (i.e., data files) to be burned into a target CD (i.e., optical disc) corresponds to

the burning of said data files onto an optical disc. Further, it is clear that Van Valer

discusses and acknowledges the notion of an archive file throughout its reference as

can be seen within paragraphs [0012] and [0014-0017]. Also, Van Valer discloses at

paragraph [0077], lines 1-12, wherein "*After computation of the final label image for the*

graphic TOC, the label itself may be affixed to the CD using conventional CD burning

and printing equipment...These systems include a complete hardware/software system

for burning the binary data (archived images) onto the CD, printing the specified label

directly onto the non-data side of the CD, and operating the CD-positioning robot that

moves the CD disk between the burner and the printer at the appropriate time". The

examiner corresponds the labels being printed and affixed to the CDs as the printed

content of the print files. As a result, the argued limitation above has been fully

disclosed.

   Applicant argues, Van Valer fails to mention a disk image file.

   Examiner respectfully disagrees. To begin, applicant specifically argues that the

disk image file is not disclosed and the definition of the term "disk image file" can be

found within the applicant's specification at paragraph [0024], however, the examiner

would like to point out that while the claims are interpreted in light of the specification, the specification is not read into the claims. The claims are read with the broadest reasonable interpretation and if the applicant means more by a disk image file other than a disk with which image files are stored, more clarification within the claim language is needed. As such, Van Valer disclose at paragraph [0068], wherein "*Selecting pictures from among many online albums, putting copies of those selected images into a new album that will be archived on a CD, and indexing its content using any of the other previously-described options*". The copies of the selected images being put on a new album that will be archived on a CD corresponds to the limitation as argued above.

Applicant argues, because Van Valer does not teach the claimed manifest file, it is impossible for Van Valer to actually teach that such a file be in a particular language, such as XML.

Examiner respectfully disagrees. Van Valer discloses at paragraph [0040], a definition of the CML specification and what it is developed for and exactly what it allows designers to create. This explanation and other citations throughout the reference shows how a file can be in any particular language, including XML. See also paragraphs [0012] and [0075] for further details and explanations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

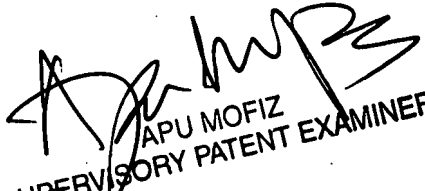than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 19, 2007

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SUPERVISORY PATENT EXAMINER